GOVERNMENT OF MYSORE.

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Malasavara Estate, Malasavara Post, Hassan District.

Award of the Industrial Tribunal, Bangalore,—Published.

Read the following papers :—

1. Letter No. I. T 2564/65-66-67, dated 22nd February 1967 from Shri A. Panchaksharaiah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 17th February 1967.

Present :

Sri A. Panchaksharaiah, B.A. (HONS), LL.B ... *Presiding Officer.*

I. D. No. 74 of 1966.

The Workmen of Malasavara Estate, Malasavara Post, Hassan District ... *I Party.*

Vs.

The Management of Malasavara Estate, Malasavara Post, Hassan District ... *II Party.*

Reference.

(Government Order No. LMA 82 LLD 66, dated 30th March 1966.)

AWARD.

The Government of Mysore in their Order No. LMA 82 LLD 66, dated 30th March 1966 have referred a Point of Dispute that exists between the Workmen and Management of Malasavara Estate, Malasavara P. O., Hassan District, for adjudication, to this Tribunal. The Reference was made under Section 10 (1) (d) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947). The Reference has been registered as I. D. No. 74 of 1966 and notices were taken out to Parties.

2. The I Party is represented by Sri M. V. Bhasker, *Vice*-President of the Karnataka Provincial Plantation Workers' Union, Chickmagalur. On behalf of the II Party nobody appeared the I Party filed the claim statement on 6th May 1966 in the course of which, the I Party pleased that for the year 1962-63, the II Party-Management has made good profits and is in a position to pay bonus at the rate of 50 per cent of the net profits subject to, of course, a minimum of a month's wages irrespective of profit or loss.

3. The II Party was called upon to file the counter statement to the Claim statement filed by the I Party. Though several chances were given the II Party, no one came forward on behalf of the II Party to resist the claim of the I Party. The II Party was called upon to file the Counter Statement on 18th June 1966 on which date my learned predecessor observed that if no counter statement was filled by the II Party by the next hearing date, the Tribunal would presume that the II Party has no counter statement. The case was then adjourned to 28th July 1966, by which time the II Party did not send the Counter Statement. However, as a last chance, the case was adjourned to 10th October 1966. On 10th October 1966, I took up this case at Chickmagalur camp when again the II Party was absent and no counter statement was filed by the II Party. It was taken up on 12th October 1966 on which date also nobody was present on behalf of the II Party and no counter statement was filed. Finally the case was taken up again at Chickmagalur Camp on 13th February 1967. On 13th February 1967, both the Parties were absent. The II Party did not file the Counter Statement. The case was again adjourned to 15th February 1967. On that day also, both the Parties were absent and no counter statement was filed by the II Party. The II Party was placed as *ex-parte*. It is thus clear that the claim

put forward by the I Party workmen for Bonus for the year 1962-63 at the rate of 50 per cent of net profit subject to a minimum of one month wages claimed in the Reference has not been refuted by the II Party. The I Party was also absent on 13th February 1967 and 15th February 1967. There is, therefore, no proof forthcoming on behalf of the I Party to show what is the net profit of the II Party for the year 1962-63. Therefore, the I Party is not entitled to 50 per cent of the net profit. However, in law under Section 10 of the Bonus Act, the I Party is entitled to a bonus of 4 per cent of the total emoluments of each worker or Rs. 40 whichever is more. The I Party prays for a net profit of 50 per cent be distributed as bonus for the year 1962-63 subject to a minimum of one month's wages. In the result they are entitled to only Rs. 40 as Bonus for the year 1962-63 for each worker. In the result I make an Award holding that each of the I Party Workers are entitled to Rs. 40 as Bonus for the year 1962-63. In the circumstances of the case, each Party will bear its own costs.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal, Bangalore.

ORDER

Bangalore, dated 28th February 1967.

S. O. 686.—WHEREAS by State Government Order No. PLM 82 LLD 66, dated 30th March 1966 the Industrial Dispute between the Workmen and the Management of Malasavara Estate, Malasavara Post, Hassan District, was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore, has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 82 LLD 66.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT, *Under Secy.*